

# Notice of Allowability

Application No.

09/516,195

Examiner

Qutub Ghulamali

Applicant(s)

STICHTER, ALLEN W

Art Unit

2637

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/11/2006.
2. ☒ The allowed claim(s) is/are 2-7, 10-14, 16, 18, 19, 22-24, 32, 33-38, 40-42, 50-52, 54 which are now renumbered as claims 2-7, 1, 8-11, 12, 14, 15, 13, 16, 17, 18, 19-24, 25-27, 28-30 and 31 respectively.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 6/23/05

4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_.

  
JEAN B. CORRIELLUS  
PRIMARY EXAMINER

1-26-06

### **DETAILED ACTION**

1. This Office Action is in response to the amendment/remarks filed 01/11/2006.

#### ***Response to Arguments***

2. Applicant's remarks/amendments see page 15 and pages 2-14, filed 01/11/2006, in response to the final Office Action of 11/25/2005, with respect to claims 2-7, 10-14, 16, 18, 19, 22-24, 32-38, 40-42, 50-52 and 54, have been fully considered and are persuasive. The rejection of these claims has been withdrawn. However, the examiner considers, that in order to further prosecution in the case, an examiner's amendment is necessary to correct for some minor deficiencies with the amended claims submitted 01/11/2006 by the applicant. The examiners amendment follows.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

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Authorization for this examiner's amendment was given in a telephone interview with Mr. John S. Zanghi on 1/24/2006.

The application has been amended as follows:

IN THE CLAIMS:

Claims 2 and 18, line 2, "first message sending step through said determining step", has been replaced with -- steps (a) -- (e) -- respectively.

Claim 2, step (f), line 3, after "said", -- time -- has been inserted.

Claims 5 and 6, lines 2-3, "first message sending step through said determining step". has been replaced with -- steps (a) -- (e) -- respectively.

Claim 22, step (e), line 1, "the" after "than", has been replaced with -- a --.

Claim 22, line 19, after "wherein said", -- time -- has been inserted.

Claim 22, line 20, "a" after "represents", has been replaced with -- the --.

Claim 32, line 19, "the" after "than", has been replaced with -- a --.

Claim 32, line 26, "a" after "represents", has been replaced with -- the --.

Claim 32, line 25, after "wherein said", -- time -- has been inserted.

Claim 34, line 1, after "wherein", -- the -- has been inserted.

Claim 50, step (f), line 1, "the" after "than", has been replaced with -- a --.

Claim 50, line 23, "a" after "represents", has been replaced with -- the --.

Claim 50, line 25, after "wherein the best delay", -- further -- has been inserted.

Claim 50, line 26, "other", has been replaced with -- updated --.

Claim 54, line 22, "the" after "than", has been replaced with -- a --.

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4. Claims 2-7, 10-14, 16, 18, 19, 22-24, 32, 33-38, 40-42, 50-52 and 54 allowed.

***Reasons for Allowance***

5. The following is an examiner's statement of reasons for allowance:

Regarding claims 10, 11, 22, 23, 32, 33, 50, 51 and 54, the applied arts of record considered as a whole, neither teaches or suggests in combination with other claimed limitations, a base station for use in a wireless telecommunications system comprising: determining if the calculated transmission delay is less than the best delay; and if the calculated transmission delay is less than the best delay, storing the calculated transmission delay as the best delay, discarding the calculated transmission delay, and repeating steps (a) – (e) an additional time resetting the accumulated delay and re-sending the first message an additional number of times, wherein said window has a first and a second threshold, said thresholds are adjustable such that the window is a sliding window, the first threshold represents a best delay, the second threshold represents a maximum allowable difference from the best delay, and the best delay is a minimum calculated transmission delay.

Such limitations, as recited in the independent claims above, is neither anticipated nor rendered obvious by the applied arts of record.

Claims 2-7, 12-14, 16, 18, 19, 24, 34-38, 40-42 and 52 are allowed by virtue of their dependency to independent claims highlighted above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutub Ghulamali whose telephone number is (571) 272-3014. The examiner can normally be reached on Monday-Friday from 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QG.  
January 26, 2006.

  
JEAN B. CORRIELUS  
PRIMARY EXAMINER  
1-26-06